



Van H. Wanggaard

Wisconsin State Senator

Via E-Mail and U.S. Postal Service

August 16, 2024

Honorable Judge James Peterson
United States District Court
Western District of Wisconsin
120 N. Henry Street, Suite 320
Madison, WI 53703

Dear Judge Peterson –

You were cc'd on a letter sent from the Republican members of the Senate Committee on Judiciary and Public Safety and Assembly Committee on Corrections (hereinafter referred to as "Committee") requesting the Department of Corrections ("DOC") seek modifications to the consent decree in *J.J. vs Litscher*, Case No. 17-CV-47. Through news media sources, I received a copy of the letter that Governor Evers sent you asking for no changes in the consent decree. Like Governor Evers, I, the Committee, and the Legislature are not parties to this case. My only purpose in writing you is to ensure you have the fullest picture of what is occurring at Lincoln Hills/Copper Lake.

Unlike Governor Evers, I will not use this letter for partisan attacks or rhetoric. I write to correct many of the factual errors contained in the letter sent by Governor Evers. I will address them in the order in which they appear in Governor Evers' letter.

1 – "...recent efforts requesting the consent decree to be modified and softened, namely by members of the Wisconsin State Legislature..."

- Although the letter from the Committee does request Secretary-Designee Hoy request modifications to the consent decree, the Committee is not the only group seeking modifications. Those requesting modifications include members of the Legislature not on the Committees, current and former staff at Lincoln Hills/Copper Lake ("LH/CL") affected family members and *even former inmates at LH/CL*.

2 – "[The Legislature]...fail[s] to acknowledge or recognize this history and the pattern of neglectful and unlawful behavior [resulting in the consent decree].

- As you know from the Committee letter, members expressly acknowledge and recognize the history of behavior at LH/CL.¹

¹ Page 2, Paragraph 4 of the Committee letter, "We are all aware of the conditions at Lincoln Hills that necessitated the consent decree six years ago. Those conditions were unacceptable, and no one wants to return to those conditions."

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3 – “I believe it is highly unlikely that the ACLU...will seek or support changes to the consent decree. ...[I]t also seems unlikely that you and this Court would be willing to accept any changes.”

- While this statement may be true, the Court revisiting the consent decree and its restrictions is appropriate given the dangerous conditions for both juveniles and staff at LH/CL.

4 – “[Lincoln Hills/Copper Lake] is now getting praise as a national leader in the juvenile corrections space [from the Council of Juvenile Justice Administrators].”

- The Council of Juvenile Justice Administrators (CJJA) is, essentially, a think tank with corporate sponsors. While CJJA’s mission may be aligned with the Evers Administration’s goals, and may align with your and the plaintiff parties’ view of Juvenile Corrections, it is not the only entity with an interest in Juvenile Corrections.

Although I did not do a deep dive into CJJA’s corporate sponsors, I note that one of the sponsors of CJJA is “The MANDT system”. The MANDT system is a “holistic, evidence-based training system to reduce workplace violence.”² At the Senate Committee’s hearing in Merrill on August 6, we heard from DOC that they are requiring staff to use the MANDT system. We also heard from staff that the MANDT system isn’t working at LH/CL, and largely fails to de-escalate conflict.

I point this out not to disparage or malign the MANDT system. I raise this to show that CJJA has vested interest in promoting use of its sponsors’ products, and claiming the successful implementation of them.

5 – “[T]he consent decree not only increases safety for youth, but it helps keep our staff safe too.”

- Assaults on staff have reached all-time highs since implementation of the consent decree, despite having 60% fewer juveniles at LH/CL. According to DOC’s own data, there has been a 47% increase in staff assault since 2018, with a record 93.82% completion rate of a “successful staff assault.” As you are aware, earlier this year, LH/CL was the site of the first murder of a Wisconsin correctional officer in the state’s 176 year history.

At our almost 8-hour hearing in Merrill, attended by DOC and Governor Evers’ staff, we heard testimony of extremely low staff morale, and staff afraid to do their job for fear of being reprimanded. We heard testimony of staff afraid to file complaints or speak up, for fear of retaliation. Staff testified that attacks on staff and between inmates have been covered up or not reported, and that staff body camera footage has mysteriously disappeared or been unavailable. Staff also testified that untrained personnel were placed “in charge” of juveniles in their housing units, and staff was frequently alone in those units. Most importantly, staff testified that they are unable to keep the juveniles in their care safe.

² <https://www.mandtsystem.com/>

I do not know if Governor Evers' statement is wishful thinking, spin, gas lighting or a lie. I do know, however, that the data and anecdotal evidence show it is untrue.

I encourage you, if you are able, to watch the entire August 6, 2024 hearing on WisconsinEye. I am certain it can be made available to you, if you request it.

I acknowledge that there are other Evers Administration policies at LH/CL that go beyond the consent decree that are also contributing the dangerous environment at LH/CL. As these policies are not before your court, I have not discussed them in this letter. However, if you desire, I would be happy to provide them.

There are aspects of Governor Evers' letter which are more political and rhetorical that I have not addressed as it should not be pertinent to your decision. As I stated earlier, I felt the need to address the factual inaccuracies in Governor Evers' letter to you, in order for you to get a fuller legal picture of what is happening at LH/CL.

As Wisconsin moves forward with new juvenile facilities opening next year, we must ensure the safety of juveniles in the correctional system and the staff monitoring those juveniles. After six years, and near complete compliance with the consent decree, it is appropriate for you and the parties to revisit the consent decree to determine its impact on the Lincoln Hills and Copper Lake Schools and the future facilities.

Regards,

A handwritten signature in black ink, appearing to read "Van Wanggaard".

Van Wanggaard
Chairman
Senate Committee on Judiciary and Public Safety
Senate Author of 2017 Wisconsin Act 185